

Remarks

In response to the office action mailed February 24, 2004, the Applicant respectfully requests reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below. By this paper, claims 1, 12, 20 and 21 have been amended, and no claims have been added or canceled.

The Examiner's rejections are as follows: (1) Claims 20 and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to provide proper antecedent basis for limitations recited therein; (2) claims 1, 2, 5, 9, 17 and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.P.N. 4,382,629 to Froumajou (hereinafter the Froumajou patent); (3) claims 1, 2, 4, 9, 17 and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.P.N. 5,588,707 to Bolsworth et al. (hereinafter the Bolsworth patent); (4) claims 1, 2, 5, 9, 17 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S.P.N. 6,070,934 to Schaefer et al. (hereinafter the Schaefer patent); (5) claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Froumajou patent in view of U.S.P.N. 4,568,106 to Yokoyama (hereinafter the Yokoyama patent); (6) claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bolsworth patent in view of Yokoyama patent; (7) claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schaefer patent in view of the Yokoyama; (8) claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Froumajou in view of U.S.P.N. 6,089,641 to Mattarella et al. (hereinafter the Mattarella patent); (9) claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bolsworth patent in view of the Mattarella patent; and (10) claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schaefer patent in view of the Mattarella.

The Examiner notes that claims 3, 6, 8, 10, 11, 13, 14, 16, 18, 19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

The Examiner further notes that claims 12 and 20 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and that claim 14 is allowed.

Rejection of Claims Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 4, 5, 9, 17 and 23 under 35 U.S.C. § 102(b) or § 102(e) as being anticipated by one or more of the Froumajou, the Bolsworth, or the Schaefer patents wherein independent claim 1 is the only rejected independent claim. Applicant respectfully submits that independent claim 1 is patentable over each of the cited references. In particular, none of the cited references teach that the seat part is moved forward away from the backrest without uplifting a rear portion of the seat part during the folding over of the backrest. Moreover, the Schaefer patent is an improper reference and cannot be asserted against the claimed invention because the claimed invention is entitled to the benefit of a priority date of July 9, 1999, as noted in the notice of acceptance of application mailed by the United States Patent and Trademark Office on March 28, 2002.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 7 and 21 under 35 U.S.C. § 103(a) as being unpatentable over the combination of one or more of the Froumajou, the Yokoyama, the Bolsworth, the Schaefer, and the Mattarella patents. The applicant respectfully submits that none of the cited references teach the limitations recited in independent claim 1, and therefore, claims 7 and 21, which depend from claim 1, are patentable for at least the same reasons that claim 1 is patentable.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that each rejection has been fully replied to and traversed and that the case is in condition for allowance, which allowance is respectfully requested. The Examiner is invited to contact the undersigned if it would further prosecution of this case to issue.

Respectfully submitted,

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